

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of:

Case No. 03F-21109-MDX

ROBERT S. McCREA, M.D.**CONSENT AGREEMENT AND ORDER
FOR DECREE OF CENSURE**Holder of License No. 21109
For the Practice Medicine
In the State of Arizona,**CONSENT AGREEMENT****RECITALS**

In the interest of a prompt and judicious settlement of this case before the Arizona Medical Board, ("Board,") and consistent with the public interest, statutory requirements and responsibilities of the Board and under A.R.S. § 41-1092.07(F)(5), Robert S. McCrea, M.D., ("Respondent"), holder of license number 21109 to practice allopathic medicine in the State of Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as the final disposition of this matter.

1. Respondent has read and understands this Consent Agreement and Order, and has had the opportunity to discuss it with an attorney or has waived that opportunity. Respondent voluntarily enters into this Consent Agreement and Order for the purpose of avoiding the expense and uncertainty of an administrative hearing.

2. Respondent understands that he has a right to a public administrative hearing concerning each and every allegation set forth in this case, at which he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent freely and voluntarily relinquishes all right to an administrative hearing, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning this case. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

1 3. Respondent agrees that the Board may adopt this Consent Agreement or any part
2 of it, pursuant to A.R.S. § 32-1451(G)(5), and issue the attached Order. Respondent understands
3 that the Board may consider this Consent Agreement and Order in any future disciplinary action
4 against him.

5 4. Respondent understands that this Consent Agreement and Order does not
6 constitute a dismissal or resolution of other matters currently pending before the Board, if any,
7 and does not constitute any waiver, express or implied, of the Board's statutory authority or
8 jurisdiction regarding any other pending or future investigation, action or proceeding.

9 Respondent also understands that the Board's acceptance of this Consent Agreement does not
10 preclude any other agency, subdivision or officer of this state from instituting other civil or
11 criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

12 5. Respondent acknowledges and agrees that, upon signing this Consent Agreement
13 and returning this document to the Board's Executive Director, Respondent may not revoke his
14 acceptance of the Consent Agreement or make any modifications to the document, regardless of
15 whether the Consent Agreement has been issued by the Executive Director. Any modification to
16 this original document is ineffective and void unless mutually approved by the parties in writing.

17 6. Respondent understands that the foregoing Consent Agreement shall not become
18 effective unless and until adopted by the Board and signed by its Executive Director.

19 7. Respondent understands and agrees that if the Board does not adopt this Consent
20 Agreement, he will not assert as a defense at any future Board consideration of the Consent
21 Agreement and Order constitutes bias, prejudice, prejudgment or other similar defense.

22 8. Respondent understands that this Consent Agreement and Order is a public record
23 that may be publicly disseminated as a formal action of the Board, and shall be reported as
24 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
25 Protection Data Bank.

26 9. Respondent understands that any violation of this Consent Agreement constitutes
unprofessional conduct pursuant to A.R.S. § 32-1401(24)(r)([v]iolating a formal order,

1 probation, consent agreement or stipulation issued or entered into by the board or its executive
2 director under the provisions of this chapter) and may result in disciplinary action pursuant to
3 A.R.S. § 32-1451.

4 ACCEPTED BY:

5 14 Jul 05
6 Dated:

Robert S. McCrea
Robert S. McCrea, M.D.

7 **FINDINGS OF FACT**

8 By stipulation of the parties, the following Findings of Fact, Conclusions of Law and
9 Consent Order are entered for final disposition of this case. Respondent acknowledges that
10 sufficient evidence exists for the Board to make the following Findings of Fact:

- 11 1. The Board is the duly constituted authority for the regulation and control of the practice
12 of allopathic medicine in the State of Arizona.
- 13 2. Respondent holds License No. 21109 for the practice of allopathic medicine in the State
14 of Arizona that expired in February 2003.
- 15 3. On March 24, 2000, Patient W.N., a 29 year old prenatal patient, 32 weeks pregnant,
16 arrived at labor and delivery triage at Desert Samaritan Hospital at 3:40 a.m., complaining of
17 severe headache, nausea, persistent vomiting and hypertension. Attending nurses called
18 Respondent, who was on call that night, at approximately 4:00 a.m. and explained the patient's
19 symptoms and told him that her blood pressure was 183/118. Respondent admitted W.N. for a
20 23 hour observation, and ordered that the nurses administer medication for the patient's nausea
21 and vomiting and standard lab work.
- 22 4. The nurses called Respondent three additional times to inform him of the patient's
23 elevated lab values, severe hypertension, persistent vomiting, 4+ pitting edema, and 4+ urine
24 protein. Respondent did not arrive at the hospital to examine W.N. until 6:15 a.m.
- 25 5. When Respondent examined W.N., he described her as in a "postictal state," looking
26 obtunded and less responsive than normal. He told Board staff during an investigational

1 interview about this case that he thought she might have already had a seizure. After his
2 assessment of W.N., he ordered that she receive magnesium sulfate (medication to lower her
3 blood pressure) at 6:45 a.m., and at 7:15 a.m., Respondent passed W.N.'s care off to the on-
4 coming physician, Dr. Tamanaha.

5 6. Dr. Tamanaha assessed W.N. and immediately sought and obtained a specialty
6 consultation with Dr. Clewell, a perinatologist. After the consultation, Drs. Tamanaha and
7 Clewell facilitated W.N.'s transport to Good Samaritan Regional Medical Center, where she
8 delivered her baby by cesarean section but died two days later from an intra-cranial hemorrhage
9 caused by pregnancy induced hypertension.

10 7. The standard of care requires a reasonably prudent obstetrician/gynecologist examine a
11 patient, such as W.N. who presents with an admitting blood pressure of 183/118, and
12 other documented symptoms of pregnancy induced hypertension as soon as possible.
13 Severe hypertension in pregnancy is an obstetrical emergency and must be treated
14 vigorously to prevent a cerebrovascular event such as occurred in W.N.'s case. The
15 standard of care also required Respondent to seek a consultation with a perinatal
16 specialist. Respondent's care of W.N. fell below the standard of care, and did or could
17 have caused harm to the patient and the public. Respondent failed to examine W.N. until
18 two hours after the nurses called him and he ordered her admission to the hospital. He
19 failed to consult with a perinatologist and he failed to treat her hypertension and other
20 symptoms aggressively.

21 8. Respondent acknowledges that the allegations set forth above, if proved at hearing, would
22 constitute unprofessional conduct. Although Respondent denies the allegations, he enters this
23 agreement to avoid the uncertainty and expense of a hearing.

CONCLUSIONS OF LAW

- 24 1. The Board possesses jurisdiction over the subject matter and over Respondent.
25 2. The conduct and circumstances described above constitute unprofessional conduct
26 pursuant to A.R.S. § 32-1401(27)(II). (Conduct that the Board determines is gross

1 negligence, repeated negligence or negligence resulting in harm to or death of the
2 patient.)

- 3 3. The conduct and circumstances described above constitute unprofessional conduct
4 pursuant to A.R.S. § 32-1401(27)(q), (Any conduct or practice which is or might be
5 harmful or dangerous to the health of the patient or the public).

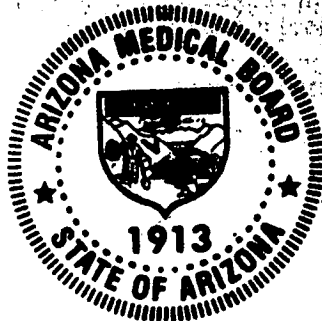
6 **CONSENT ORDER**

7 **IT IS THEREFORE ORDERED that:**

- 8 1. That a *Decree of Censure* be issued to Respondent, Robert S. McCrea M.D.,
9 License No., 21109, for falling below the standard of care in failing to treat
10 Patient W.N.'s pregnancy induced hypertension vigorously to prevent the
11 cerebrovascular event that resulted in her death.

12 **DATED AND EFFECTIVE** this 12 day of August, 2005.

13 [SEAL]



ARIZONA MEDICAL BOARD

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15
16 Timothy Miller, J.D.
17 Executive Director

18 Original of the foregoing filed this
19 12th day of August, 2005, with:

20 Arizona Medical Board
21 9545 E. Doubletree Ranch Road
22 Scottsdale, Arizona 85258

23 Executed Copy of the foregoing mailed
24 mailed by U.S. Certified Mail, this
25 12th day of August, 2005, to:

26 Robert S. McCrea, M.D.
Respondent
5323 Harry Hines Blvd.
Dallas, TX 75390-7216

1 Copy of the foregoing mailed this
2 day of August, 2005, with:

3 Melissa S. Cornelius
4 Assistant Attorney General
5 1275 W. Washington, CIV/LES
6 Phoenix, Arizona 85007
7 Attorney for State

8 Board Operations
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